

Docket No. 216661US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Pascal ARNAUD, et al :

SERIAL NUMBER: 09/049,927 : GROUP: 1612

FILING DATE: March 30, 1998 : EXAMINER: Huang

FOR: ANHYDROUS COSMETIC OR DERMATOLOGICAL COMPOSITION  
CONTAINING THE COMBINATION OF A SILICONE OIL AND A WAX MADE  
FROM AN ETHYLENE HOMOPOLYMER OR COPOLYMER

**LETTER SUBMITTING INFORMATION DISCLOSURE STATEMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Applicants submit herewith an information disclosure statement, form PTO-1449, and 3 documents and complete translations of these in the English language. This submission does not constitute an admission or indication that the documents in fact qualify as prior art. These documents, however, are being submitted for completeness of the PTO record.

Reference "AW" on the attached PTO Form 1449 consists of laboratory notebook pages from inventor Pascal Arnaud, reflecting work done by Mr. Arnaud regarding the invention.

Reference "AX" is a July 25, 2002 submission to the European Patent Office in Opposition Proceedings for EP 0 665 008. Regarding this particular document, it should be noted that Applicants performed additional tests regarding the tests reported in the table at page 2 of the paper entitled Test No. 3 (ESSAI No. 3 of the French text). In those tests, Applicants observed that the polyethylene wax Performalen 500 could be introduced in amounts of 28% and 14% in the hot state into 100 gram quantities of each of the silicone oils BELSIL PDM 20 and

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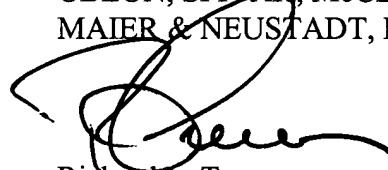
SILBIONE 70641, respectively, before obtaining incompatibility.

Reference "AZ" are claim amendments proposed by patentee during the August 6, 2002 Oral Hearing before the Board of Appeals for EPO 0 665 008.

Applicants have not yet received the EPO's written decision in the current appeal in this case in Europe. They were advised orally, however, at the conclusion of the recent oral hearing in this appeal that the EPO Board would allow the process claims therein and maintain the rejection of the composition claims in the EPO patent for reasons that are at present unclear to Applicants, but appear to be particular to European patent law.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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**INFORMATION DISCLOSURE/RELATED CASE STATEMENT  
UNDER 37 CFR 1.97**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Applicant(s) wish to disclose the following information.

**REFERENCES**

- The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- Please charge Deposit Account No. 15-0030 in the amount of \$180.00. A duplicate copy of this sheet is enclosed.

**RELATED CASES**

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

**CERTIFICATION**

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

**DEPOSIT ACCOUNT**

- Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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